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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FAYELYN SAMS, Individually,
and on behalf of a class of all others
similarly situated,

Plaintiffs,

v.

YAHOO! INC.,

Defendant.

Case No. 5:10-CV-05897-JF

**UNOPPOSED MOTION FOR
ENTRY OF JUDGMENT FOR
FAILURE TO AMEND AFTER
GRANTING OF
DEFENDANT'S MOTION
TO DISMISS**

Defendant Yahoo! hereby moves for entry of judgment in its favor in this matter after Plaintiff failed to amend her complaint following this Court's granting of Yahoo!'s Motion to Dismiss. Accordingly, Defendant also requests that the CMC currently scheduled for July 15, 2011 at 10:30 AM be taken off-calendar. Plaintiff, without waiving any rights whatsoever that she might have at this stage of the litigation, does not oppose this Motion.

On May 16, 2011, this Court granted defendant Yahoo!'s Motion to Dismiss (Dkt. 57). In granting the Motion, this Court held:

Pursuant to the foregoing discussion and based on the facts alleged, Yahoo! appears to have complied with the terms of both subpoenas and thus is entitled to immunity pursuant to 10

(sic) U.S.C. §2703(e). However, because the Court cannot say with certainty that Sams could not allege facts tending to show that Yahoo! impermissibly disclosed content-based information, leave to amend will be granted. ... Good cause therefor appearing, the motion to dismiss is GRANTED, WITH LEAVE TO AMEND. Any amended complaint shall be filed within (30) days of the date of this order.

The Court's Order was e-filed on May 18, 2011. The time for amendment ran on June 18, 2011. Plaintiff did not amend. The case should thus be dismissed and judgment entered in defendant Yahoo!'s favor. Accordingly, there is no need for the CMC currently set for July 15, 2011 at 10:30 AM and the parties respectfully request that the Court take that conference off its calendar.

Dated: July 12, 2011

ZWILLGEN PLLC

Signature: _____/s/

Jennifer S. Granick
Attorneys for Yahoo!
Defendant

Unopposed without waiver by:

LAW OFFICE OF JOSHUA A. MILLICAN, P.C.

Signature: _____/s/

Joshua Millican
Attorney for Plaintiff

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Jennifer Granick, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that Plaintiff's counsel Joshua Millican has concurred in this filing.

DATED: July 12, 2011

By: _____/s/
Jennifer Stisa Granick